

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
(MARTINSBURG DIVISION)**

DOUGLAS N. GAER

Plaintiff,

v.

**AMERICAN PUBLIC EDUCATION,
INC., *ET AL.*,**

Defendants.

CIVIL ACTION NO. 3:10cv81

**STIPULATION FOR EXTENSION OF TIME TO
ANSWER, MOVE, OR OTHERWISE RESPOND**

Pursuant to Federal Rule of Civil Procedure 6(b) and the Local Rules of this Court, the parties in this action, by their undersigned counsel, hereby stipulate and agree as follows:

1. This action is a putative class action lawsuit for violations of the federal securities law, subject to the provisions of the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4, *et. seq.* Under the PSLRA, the Court must appoint a lead plaintiff and approve the selection of lead counsel for the putative class. 15 U.S.C. § 78u-4 (a)(3)(B).

2. This action was filed on August 12, 2010, and notice was published advising shareholders and the public that, consistent with the PSLRA, the deadline for motions for the appointment of lead plaintiff and lead counsel is October 12, 2010. The parties agree that Defendants' responses to the pending Complaint are appropriately deferred until after the appointment of a lead plaintiff and the approval of the selection of lead counsel.

3. Within 15 days following the Court's appointment of a lead plaintiff and approval of the selection of lead counsel, the parties shall submit a mutually agreeable schedule for the filing of a consolidated amended complaint (or designation of an operative complaint), the filing

of Defendants' answer or pre-answer motion(s), as well as for the briefing and hearing of responses thereto.

4. Any and all pending Orders regarding Initial Disclosures, Joint Status Report, Early Settlement, Discovery, or other matters pursuant to Federal Rule of Civil Procedure 26 shall be stayed, pending appointment of a lead plaintiff.

/s/Kim Miller (with permission)
Kim Miller
Kahn Swick & Foti, LLC
500 Fifth Avenue, Suite 1810
New York NY 10110
212-696-3730 (phone)
504-455-1498 (fax)
Counsel for Plaintiff

Lewis Kahn
Kahn Swick & Foti, LLC
206 Covington Street
Madisonville, LA 70447
504-455-1400
504-455-1498
Counsel for Plaintiff

Carl N. Frankovitch (W.V. Bar #4746)
Frankovitch, Anetakis, Colantonio
& Simon
337 Penco Road
Weirton, WV 26062
(304) 723-4400 (phone)
(304) 723-5892 (fax)
Counsel for Plaintiff

/s/Eric J. Hulett
Eric J. Hulett (W.V. Bar #6332)
Steptoe & Johnson PLLC
1250 Edwin Miller Blvd., Suite 300
Martinsburg, WV 25404
(304) 262-3519 (phone)
(304) 262-3541 (fax)
eric.hulett@steptoe-johnson.com
Counsel for Defendants

Mark D. Gately (Bar No. 0134)
Steven F. Barley (Bar No. 10049)
Scott R. Haiber (Bar No. 25947)
Hogan Lovells US L.L.P.
100 International Dr., Suite 2000
Baltimore, MD 21202
(410) 659-2700 (phone)
410-659-2701 (fax)
mark.gately@hoganlovells.com
Counsel for Defendants
(Admission Pro Hac Vice Pending)

So Ordered:


United States District Court Judge

Date

8-27-2010